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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91206167
Party	Defendant Polo Gear Intellectual Properties, Inc.
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Date	09/27/2012
Attachments	Answer to Notice of Opposition.pdf ( 31 pages )(6184465 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

BHCP ASSOCIATES LLC,

Opposer,

v.

POLO GEAR INTELLECTUAL  
PROPERTIES, INC.,

Applicant.

Opposition Number: 91206167

App. No.: 85458112

Filed: Oct. 27, 2011

Published: June 6, 2012

Trademark:



**ANSWER TO NOTICE OF OPPOSITION**

Applicant, Polo Gear Intellectual Properties, Inc. ("Applicant"), by and through its undersigned counsel, hereby answers the Notice of Opposition, filed July 19, 2012 by opposer, BHPC Associates LLC ("Opposer"), as follows:

1. Applicant is without knowledge sufficient to form a belief as to the truth or falsity of the allegations of paragraph 1 of the Opposition; therefore, same is denied.
2. Applicant is without knowledge sufficient to form a belief as to the truth or falsity of the allegations of paragraph 2 of the Opposition; therefore, same is denied.
3. Applicant is without knowledge sufficient to form a belief as to the truth or falsity of the allegations of paragraph 3 of the Opposition; therefore, same is denied as to Opposer's use of the alleged marks. Denied as calling for a legal conclusion as to whether the alleged marks are incontestable. Admitted that Opposer is listed as the owner of the alleged marks in the Trademark Electronic Search System.

4. Denied.

5. Denied as inaccurate as this paragraph omits that the application Ser. No. 85458112 also designated International Class 019 in addition to International Class 025.

6. Admitted.

#### **COUNT I: Priority and Likelihood of Confusion**

7. Answered and averred as set forth hereinabove.

8. Denied.

9. Denied.

10. Denied.

11. Denied.

12. Denied.

#### **AFFIRMATIVE DEFENSES**

##### *First Affirmative Defense*

1. Opposer has failed to state a claim upon which relief can be granted.




##### *Second Affirmative Defense*





2. There is no likelihood of confusion between Applicant's POLOGEAR Mark and Opposer's BEVERLY HILLS POLO CLUB Marks.

(a) There are numerous registrations in International Class 025 that use the silhouette of a mounted polo player in their designs. There are also several registrations consisting of the term "POLO" in International Class 025. The registrations are attached as composite **Exhibit "A"**. A table containing Opposer's design marks and other similar registered design marks in International Class 025 are summarized in **Table 1**. Also, a table containing registered word marks in International Class 025 having the term "POLO" are summarized in **Table 2**. These numerous registrations reveal the weakness of the polo player design and the term "POLO" in





Opposer's BEVERLY HILLS POLO CLUB Marks. Opposer's trademark rights, if any, to the BEVERLY HILLS POLO CLUB Marks, extend no further than to the entirety of the specific marks it has registered, which are neither the same nor confusingly similar to the Applicant's Mark in terms of connection, appearance, pronunciation or overall commercial impression. This supports the conclusion that there is no likelihood of confusion between the marks. As such, Opposer is misrepresenting its case for opposition in order to use the Trademark Trial and Appeal Board process to overreach the scope of protection granted under the Lanham Act.

**Table 1**

<b>MARK</b>	<b>Owner</b>	<b>REG. NO.</b>	<b>REG. DATE</b>	<b>CLASS 025 GOODS/SERVICES</b>
	BHPC ASSOCIATES LLC	1429311	February 17, 1987	Clothing for men, women and children-namely shirts, sweatshirts, sweat suits, sweaters, t-shirts, pants, underwear, caps, jackets, [leotards, dresses, ponchos].
	BHPC ASSOCIATES LLC	1751058	February 9, 1993	Clothing for men, women and children; namely, shirts, sweatshirts, sweaters, tee shirts, pants, caps, hats, jackets, dresses, socks, hosiery, raincoats and outerwear; namely, coats and jackets, and belts.
	BHPC ASSOCIATES LLC	2214846	December 29, 1998	Footwear, namely shoes, boots, slippers, athletic shoes, and golf shoes.

MARK	Owner	REG. NO.	REG. DATE	CLASS 025 GOODS/SERVICES
	PRL USA Holdings, Inc.	4124021	April 10, 2012	Beachwear; Caps; Coats; Dresses; Hats; Jackets; Pants; Raincoats; Shirts; T-shirts; Underwear
	Alexander G. Webbe	3996180	July 19, 2011	Clothing, namely, polo shirts and t-shirts.
	Polo Club	3312709	October 16, 2007	Ready-made clothing for men, women and children, namely, knitwear, namely, t-shirts, pullovers, polo shirts, sweaters and vests, hosiery, lingerie, underwear, pyjamas, dressing gowns, peignoirs, sweaters, skirts, dresses, briefs, trousers, jackets, coats, furs, Halloween costumes, shirts, layettes, ties, shawls, foulards, stoles, scarves, belts, gloves, wooly hats, headwear, caps, socks, stockings, tights, footwear not including orthopedic footwear, boot liners, slippers, boots, swimming costumes, shorts and waterproof jackets and pants.
	United States Polo Association	2629444	October 1, 2002	Clothing, namely shirts.

MARK	Owner	REG. NO.	REG. DATE	CLASS 025 GOODS/SERVICES
	Michael G. Moertl	4194907	August 21, 2012	Clothing for use in connection with or promotion of the equestrian sport of polo, namely, caps, jerseys, t-shirts, sweat shirts, jackets, and polo pants.
	Fabian Claudio Olemberg	4042469	October 18, 2011	Coats; Footwear for men; Hats; Jackets; Men's suits; Pants; Rain coats; Shirts; Shorts; Socks; Sport shirts; Sweat shirts; Sweaters; T-shirts; Ties; Trousers; Vests.
	United States Polo Association	4053447	November 8, 2011	Clothing, namely, polo shirts and T-shirts.
	United States Polo Association	4049675	November 1, 2011	Shirts.
	PRL USA Holdings, Inc.	3306101	October 9, 2007	Clothing, namely, knit shirts, polo shirts, sweaters, shirts, t-shirts, hats, swimwear, pants, jackets, belts, ties, footwear, socks; outerwear, namely, coats, sport coats, raincoats.
	Sean Tyler Keys	3556027	January 6, 2009	Ready-made clothing for men, women, and children, namely, t-shirts, pullovers, polo shirts, sweaters and vests, jackets, shirts, and headwear.

MARK	Owner	REG. NO.	REG. DATE	CLASS 025 GOODS/SERVICES
	North America Polo League, LLC	3481504	August 5, 2008	Belts; Golf shirts; Pajamas; Shirts; T- shirts; Jackets; Pants; Footwear; Shorts; Socks; Sweat pants; Sweat shirts; Sweat shorts; Sweaters; Ties; Scarves; Vests; Suspenders; Gloves; Headgear, namely, caps; hats; headbands.
	Royal County of Berkshire Polo Club	2525322	January 1, 2002	Clothing, footwear and headgear, namely, T- shirt, sleep wear, shirts, hats, shorts, sweat bands, sweat pants, sweat shirts, sweat shorts, sweat suits, socks and sweaters, belts.
	Santa Barbara Polo & Racquet Club	1743296	December 29, 1992	Clothing; namely, shirts, sweatshirts, hats, neckties, and shoes.
	United States Polo Association, Inc.	3370932	January 15, 2008	Clothing for ladies and children, namely, polo shirts, t-shirts, outerwear, namely, coats, and jackets, socks, sweaters, blouses and shirts; footwear.

**Table 2**

<b>MARK</b>	<b>Owner</b>	<b>REG. NO.</b>	<b>REG. DATE</b>	<b>CLASS 025 GOODS/SERVICES</b>
POLO	Polo Fashions Inc.	1363459	October 1, 1985	Clothing-Namely, Suits, Slacks, Trousers, Shorts, Wind Resistant Jackets, Jackets, Blazers, Dress Shirts, Sweatshirts, Sweaters, Hats, Belts, Socks, Blouses, Skirts, Coats, and Dresses.
POLO	Polo Fashions, Inc.	1468420	December 8, 1987	Men's, women's, children's and athletic shoes.
POLO SPORT	Polo Ralph Lauren, L.P.	1951601	January 23, 1996	Wearing apparel, namely pants, shorts, jackets, T-shirts, sport shirts, knit shirts, sweatshirts, hats, socks and footwear.
JON POLO	Idlewild Stables, Inc.	3292597	September 18, 2007	Clothing for wear in equestrian activities, namely, pants, shorts, shirts, underwear, socks, belts, suspenders, gloves, hats, and caps; and clothing for wear in sports activities, namely, pants, shorts, shirts, underwear, socks, belts, suspenders, gloves, hats and caps.
HIDDEN CREEK POLO	Sean Tyler Keys	3526576	November 4, 2008	Ready-made clothing for men, women, and children, namely, t-shirts, pullovers, polo shirts, sweaters and vests, jackets, shirts, and headwear.

(b) The presence of the letters “GEAR” in the term POLOGEAR in Applicant’s POLOGEAR Mark and the words BEVERLY HILLS and POLO CLUB in the Opposer’s BEVERLY HILLS POLO CLUB Marks, as well as the absence of the letters “GEAR” or the term POLOGEAR, suffice to enable purchasers to distinguish between the sources of the goods and services rendered under the marks. This supports the conclusion that there is no likelihood of confusion between the marks.



(c) The Applicant's Mark creates a distinct commercial impression from Opposer's Marks. Opposer's BEVERLY HILLS POLO CLUB Marks are clearly distinct from Applicant's POLOGEAR Mark. Opposer's Marks consists of two (2) words BEVERLY HILLS over the silhouette of a horse and rider. The rider is holding a polo mallet up in the air. The horse and rider are facing sideways and over the two (2) words POLO CLUB. Applicant's POLOGEAR Mark consists of a single compound term POLOGEAR set in a circle with three (3) stars on either side of the term POLOGEAR. In the center of the circle is a horse with a rider facing forward. The rider is holding the mallet towards the ground. This further supports the conclusion that there is no likelihood of confusion between the marks.

(d) Applicant's products and the products offered by the Opposer move in different channels of trade to different classes of consumers. Applicant's goods are specifically related to equestrian activities and marketed to polo players and enthusiasts. In addition to equestrian clothing, Applicant sells saddles, bridles, reins, leads, bits, stirrup leathers and various types of horse tack in International Class 018. Opposer's goods consist of casual clothing, eyewear and shoes that are sold through specified licensees. Further, Applicant has had a long-standing reputation and involvement in the actual sport of polo and amongst polo players and within the polo community. Applicant is well-recognized in the sport. Opposer, on the other hand, has no affiliation or connection with the sport of polo. Indeed, Opposer does not (and cannot) oppose Applicant's registration of this same Mark in International Class 018. Applicant simply wishes to use its same Mark on all of its products, the majority of which Opposer cannot oppose. This further supports the conclusion that there is no likelihood of confusion between the marks.

### *Third Affirmative Defense*

3. Upon information and belief, the parties have thus far coexisted in their use of their respective Marks, on their respective goods, as outlined in their trademark applications and/or

registrations, since at least as early as December 31, 1995, without a single instance of consumer or other confusion. As such, confusion is not likely to arise in the future.

*Fourth Affirmative Defense*

4. Applicant's mark and Opposer's marks have and create distinct commercial impressions.

*Fifth Affirmative Defense*

5. Opposer has failed to adequately maintain, police, or enforce any trademark or property rights it may have in its alleged marks. As such, Opposer cannot oppose Applicant's application based on Opposer's alleged marks.

*Sixth Affirmative Defense*

6. Opposer's alleged marks are not famous.

*Reservation of Rights*

7. Applicant reserves the right to add additional affirmative defenses as they become known through discovery.

WHEREFORE, Applicant respectfully requests the Board reject and dismiss the Opposition, permit the registration of Applicant's proposed mark in Application Serial Number 85458112, and grant such other and further relief as the Board deems just and appropriate.

RESPECTFULLY SUBMITTED this 27<sup>th</sup> day of September, 2012.

Respectfully submitted,

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ATTORNEYS FOR APPLICANT

# **Exhibit A**

# United States of America

## United States Patent and Trademark Office



**Reg. No. 4,124,021**

**Registered Apr. 10, 2012**

**Int. Cl.: 25**

**TRADEMARK**

**PRINCIPAL REGISTER**

PRL USA HOLDINGS, INC. (DELAWARE CORPORATION)  
550 SEVENTH AVENUE  
NEW YORK, NY 10018

FOR: BEACHWEAR; CAPS; COATS; DRESSES; HATS; JACKETS; PANTS; RAINCOATS; SHIRTS; T-SHIRTS; UNDERWEAR, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 7-0-2007; IN COMMERCE 7-0-2007.

OWNER OF U.S. REG. NOS. 3,199,839, 3,733,341 AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "OFFICIAL SPONSOR" "COMPETITION POLO TEAM" AND "CO.", APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF A CREST COMPOSED OF TWO INTERSECTING POLO MALLETS WITH A FANCIFUL REPRESENTATION OF A POLO PLAYER MOUNTED ON A HORSE SUPERIMPOSED AT THE POINT WHERE THE POLO MALLETS INTERSECT AND BETWEEN THE LITERAL ELEMENTS "BLACK" AND "WATCH". A FIRST BANNER WITH THE LITERAL ELEMENTS "OFFICIAL SPONSOR" APPEARS ABOVE THE POLO PLAYER AND A CREST WITH THE LITERAL ELEMENTS "RLC" IN A STYLIZED FONT IS SUPERIMPOSED ON THE BANNER. A SECOND BANNER WITH THE LITERAL ELEMENTS "COMPETITION POLO TEAM" APPEARS BELOW THE POLO PLAYER MOUNTED ON A HORSE. A THIRD BANNER WITH THE LITERAL ELEMENTS "POLO RALPH LAUREN CO." APPEARS BELOW THE SECOND BANNER.

SER. NO. 85-222,090, FILED S.R. 1-20-2011 AM. P.R. 1-26-2011.

DAVID H. STINE, EXAMINING ATTORNEY



*David J. Kappas*

Director of the United States Patent and Trademark Office

# United States of America

United States Patent and Trademark Office



**Reg. No. 3,996,180**

**Registered July 19, 2011**

**Int. Cls.: 25 and 41**

**TRADEMARK**

**SERVICE MARK**

**PRINCIPAL REGISTER**

ALEXANDER G. WEBBE (UNITED STATES INDIVIDUAL)  
14041 WELLINGTON TRACE  
WELLINGTON, FL 33414

FOR: CLOTHING, NAMELY, POLO SHIRTS AND T-SHIRTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 4-16-2010; IN COMMERCE 4-16-2010.

FOR: POLO CLUB SERVICES, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 4-22-2010; IN COMMERCE 4-22-2010.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "INTERNATIONAL BEACH POLO ASSOCIATION", APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF SEAHORSE AND CROSSED POLO MALLETS ENCIRCLED BY THE WORDING "INTERNATIONAL BEACH POLO ASSOCIATION".

SER. NO. 85-042,961, FILED 5-19-2010.

KAPIL BHANOT, EXAMINING ATTORNEY



*David J. Kyffers*

Director of the United States Patent and Trademark Office

**Int. Cl.: 25**

**Prior U.S. Cls.: 22 and 39**

**Reg. No. 3,370,932**

**United States Patent and Trademark Office**

**Registered Jan. 15, 2008**

**TRADEMARK  
PRINCIPAL REGISTER**



UNITED STATES POLO ASSOCIATION, INC.  
(ILLINOIS NON-PROFIT CORPORATION)  
SUITE 430 771 CORPORATE DRIVE  
LEXINGTON, KY 40503

OWNER OF U.S. REG. NO. 2,188,594.

FOR: CLOTHING FOR LADIES AND CHILDREN,  
NAMELY, POLO SHIRTS, T-SHIRTS, OUTERWEAR,  
NAMELY, COATS, AND JACKETS, SOCKS, SWEA-  
TERS, BLOUSES AND SHIRTS; FOOTWEAR, IN  
CLASS 25 (U.S. CLS. 22 AND 39).

THE MARK CONSISTS OF A SILHOUETTE OF  
TWO HORSES AND RIDERS WITH THE LETTERS  
USPA BENEATH THE DESIGN.

SN 78-979,348, FILED 11-1-2005.

FIRST USE 6-9-2006; IN COMMERCE 6-9-2006.

THEODORE MCBRIDE, EXAMINING ATTORNEY

**Int. Cls.: 25, 28 and 41**

**Prior U.S. Cls.: 22, 23, 38, 39, 50, 100, 101 and 107**

**United States Patent and Trademark Office**

**Reg. No. 3,312,709**

**Registered Oct. 16, 2007**

**TRADEMARK  
SERVICE MARK  
PRINCIPAL REGISTER**



POLO CLUB (FRANCE SOCIETE A RESPONSABILITE LIMITEE)  
ROUTE DU BOURRIAN  
F-83580 GASSIN  
FRANCE

FOR: READY-MADE CLOTHING FOR MEN, WOMEN AND CHILDREN, NAMELY, KNITWEAR, NAMELY, T-SHIRTS, PULLOVERS, POLO SHIRTS, SWEATERS AND VESTS, HOSIERY, LINGERIE, UNDERWEAR, PYJAMAS, DRESSING GOWNS, PEIGNOIRS, SWEATERS, SKIRTS, DRESSES, BRIEFS, TROUSERS, JACKETS, COATS, FURS, HALLOWEEN COSTUMES, SHIRTS, LAYETTES, TIES, SHAWLS, FOULARDS, STOLE, SCARVES, BELTS, GLOVES, WOOLY HATS, HEADWEAR, CAPS, SOCKS, STOCKINGS, TIGHTS, FOOTWEAR NOT INCLUDING ORTHOPEDIC FOOTWEAR, BOOT LINERS, SLIPPERS, BOOTS, SWIMMING COSTUMES, SHORTS AND WATERPROOF JACKETS AND PANTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FOR: GAMES AND TOYS, NAMELY, GAME TABLES, PLAYING CARDS, DISPOSABLE TICKETS FOR PLAYING GAMES OF CHANCE; PARLOR GAMES FOR ADULTS AND CHILDREN; GYMNAS-TIC EQUIPMENT AND SPORTING ARTICLES, NAMELY, SPRINGBOARDS, PARALLEL BARS, AND BALANCE BEAMS; HAND-HELD UNITS FOR PLAYING ELECTRONIC GAMES, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FOR: EDUCATIONAL SERVICES, NAMELY, PROVIDING TRAINING WORKSHOPS AND SEMI-NARS RELATING TO THE FIELD OF POLO SPORT; ORGANIZING COMMUNITY SPORTING AND

CULTURAL EVENTS; PRODUCTION OF MOTION PICTURE FILMS; PRODUCTION OF RADIO AND TELEVISION PROGRAMS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

PRIORITY DATE OF 12-2-2004 IS CLAIMED.

OWNER OF INTERNATIONAL REGISTRATION  
0855386 DATED 4-27-2005, EXPIRES 4-27-2015.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "POLO CLUB SAINT TROPEZ HARAS DE GASSIN", APART FROM THE MARK AS SHOWN.

THE COLOR(S) NAVY BLUE, GRAY AND WHITE IS/ARE CLAIMED AS A FEATURE OF THE MARK.

THE MARK CONSISTS OF A CIRCULAR EM-BLEM RINGED IN NAVY BLUE, WITH POLO PLAYER AND HORSE IN THE CENTER; THE LETTERING IS WITHIN THE BLUE RING, AND THE LETTERING, PLAYER, HORSE AND THIN INNER CIRCLE ARE ALL IN SHADES OF GRAY AND WHITE.

THE FOREIGN WORDING IN THE MARK TRANSLATES INTO ENGLISH AS STUD FARM OF GASSIN.

SER. NO. 79-012,836, FILED 4-27-2005.

BERYL GARDNER, EXAMINING ATTORNEY

SER. NO. 79-012,836, FILED 4-27-2005.

BERYL GARDNER, EXAMINING ATTORNEY



**Int. Cl.: 25**

**Prior U.S. Cls.: 22 and 39**

**United States Patent and Trademark Office**

**Reg. No. 2,629,444**

**Registered Oct. 1, 2002**

**TRADEMARK  
PRINCIPAL REGISTER**



UNITED STATES POLO ASSOCIATION (ILLI-  
NOIS CORPORATION)  
771 CORPORATE DRIVE  
SUITE 505  
LEXINGTON, KY 40503

FIRST USE 3-12-2002; IN COMMERCE 3-12-2002.

OWNER OF U.S. REG. NOS. 1,181,651, 2,310,882,  
AND OTHERS.

FOR: CLOTHING, NAMELY SHIRTS, SHOES,  
PANTS, SHORTS, SOCKS, JACKETS, SWEATERS,  
COATS, TIES, BELTS, HEADWEAR, FOOTWEAR,  
SWIMWEAR AND UNDERWEAR, IN CLASS 25 (U.S.  
CLS. 22 AND 39).

SN 78-063,141, FILED 5-11-2001.

JOSETTE BEVERLY, EXAMINING ATTORNEY

# United States of America

United States Patent and Trademark Office



**Reg. No. 4,194,907**

**Registered Aug. 21, 2012**

**Int. Cl.: 25**

**TRADEMARK**

**PRINCIPAL REGISTER**

MOERTL, MICHAEL G. (UNITED STATES INDIVIDUAL)  
14248 DICKENS STREET #207  
SHERMAN OAKS, CA 91423

FOR: CLOTHING FOR USE IN CONNECTION WITH OR PROMOTION OF THE EQUESTRIAN SPORT OF POLO, NAMELY, CAPS, JERSEYS, T-SHIRTS, SWEAT SHIRTS, JACKETS, AND POLO PANTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 4-11-2012; IN COMMERCE 4-11-2012.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PROFESSIONAL POLO ASSOCIATION", APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF THE WORDS "PROFESSIONAL POLO ASSOCIATION" ENCOMPASSING AN OVAL CONTAINING THE SILHOUETTE OF A POLO PLAYER RIDING A HORSE AND HITTING A POLO BALL. THE OVAL ALSO CONTAINS THE WORDS "PPA TOUR".

SN 77-647,275, FILED 1-11-2009.

FRED CARL, EXAMINING ATTORNEY



*David J. Kyfos*

Director of the United States Patent and Trademark Office

# United States of America

United States Patent and Trademark Office



**Reg. No. 4,042,469**

**Registered Oct. 18, 2011**

**Int. Cl.: 25**

**TRADEMARK**

**PRINCIPAL REGISTER**

OLEMBERG, FABIAN CLAUDIO (ARGENTINA INDIVIDUAL)  
LA PAMPA 2326, PISO 2, OF. 2005  
CAPITAL FEDERAL, ARGENTINA 1428

FOR: COATS; FOOTWEAR FOR MEN; HATS; JACKETS; MEN'S SUITS; PANTS; RAIN COATS; SHIRTS; SHORTS; SOCKS; SPORT SHIRTS; SWEAT SHIRTS; SWEATERS; T-SHIRTS; TIES; TROUSERS; VESTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 9-17-2008; IN COMMERCE 4-7-2011.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SANTA FE POLO", APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF A POLO PLAYER MAKING A STROKE WITH HIS POLO STICK WHILE RIDING HIS HORSE OVER THE WORDS "SANTA FE POLO" IN STYLIZED LETTERS.

THE ENGLISH TRANSLATION OF "SANTA FE POLO" IN THE MARK IS "SAINT FAITH POLO".

SN 77-660,964, FILED 2-2-2009.

MATTHEW KLINE, EXAMINING ATTORNEY



*David J. Kappas*

Director of the United States Patent and Trademark Office

# United States of America

United States Patent and Trademark Office



**Reg. No. 4,053,447**

**Registered Nov. 8, 2011**

**Int. Cl.: 25**

**TRADEMARK**

**PRINCIPAL REGISTER**

UNITED STATES POLO ASSOCIATION (ILLINOIS CORPORATION)  
SUITE 430  
771 CORPORATE DRIVE  
LEXINGTON, KY 40503

FOR: CLOTHING, NAMELY, POLO SHIRTS AND T-SHIRTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 9-30-2010; IN COMMERCE 9-30-2010.

OWNER OF U.S. REG. NOS. 2,734,980, 3,367,242, AND OTHERS.

THE COLOR(S) RED, WHITE, BLACK AND BLUE IS/ARE CLAIMED AS A FEATURE OF THE MARK.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "UNITED STATES, ASSOCIATION AND NATIONAL", APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF THE WORDING "NIC" AND "UNITED STATES POLO ASSOCIATION" APPEARING IN STYLIZED TYPE WITH BLACK LETTERING AND A BLUE-COLORED IMAGE OF A POLO PLAYER ON A HORSE ABOUT TO HIT A POLO BALL, WITH THE WORDING "NATIONAL INTERCOLLEGIATE CHAMPIONSHIP" APPEARING IN WHITE LETTERING WITHIN A RED BAR THAT IS HORIZONTALLY PLACED ON TOP OF "NIC" AND THE POLO PLAYER IMAGE, ALL AGAINST A WHITE BACKGROUND.

SN 77-745,283, FILED 5-27-2009.

LAKEISHA LEWIS, EXAMINING ATTORNEY



*David J. Kyfos*

Director of the United States Patent and Trademark Office

# United States of America

United States Patent and Trademark Office



**Reg. No. 4,049,675**

**Registered Nov. 1, 2011**

**Int. Cl.: 25**

**TRADEMARK**

**PRINCIPAL REGISTER**

UNITED STATES POLO ASSOCIATION (ILLINOIS CORPORATION)  
SUITE 430  
771 CORPORATE DRIVE  
LEXINGTON, KY 40503

FOR: SHIRTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 5-31-2011; IN COMMERCE 5-31-2011.

OWNER OF U.S. REG. NOS. 1,801,139, 3,358,528, AND OTHERS.

SEC. 2(F) AS TO "U.S. OPEN POLO CHAMPIONSHIP".

THE MARK CONSISTS OF THE WORDING "U.S. OPEN POLO CHAMPIONSHIP" IN A RING SURROUNDING A DESIGN OF A HORSE HEAD WITHIN LAURELS WHICH HAVE POLO MALLETS ATTACHED TO THEM.

SN 77-700,329, FILED 3-26-2009.

BERYL GARDNER, EXAMINING ATTORNEY



*David J. Kyjars*

Director of the United States Patent and Trademark Office

**Int. Cl.: 25**

**Prior U.S. Cls.: 22 and 39**

**United States Patent and Trademark Office**

**Reg. No. 3,306,101**

**Registered Oct. 9, 2007**

**TRADEMARK  
PRINCIPAL REGISTER**



PRL USA HOLDINGS, INC. (DELAWARE CORPORATION)  
103 FOULK ROAD  
WILMINGTON, DE 19803

OWNER OF U.S. REG. NOS. 1,622,636, 1,935,665,  
AND 3,199,839.

FOR: CLOTHING, NAMELY, KNIT SHIRTS, POLO SHIRTS, SWEATERS, SHIRTS, T-SHIRTS, HATS, SWIMWEAR, PANTS, JACKETS, BELTS, TIES, FOOTWEAR, SOCKS; OUTERWEAR, NAMELY, COATS, SPORT COATS, RAINCOATS, IN CLASS 25 (U.S. CLS. 22 AND 39).

THE NAME RALPH LAUREN IDENTIFIES A LIVING INDIVIDUAL WHOSE CONSENT IS OF RECORD.

SER. NO. 77-090,713, FILED 1-25-2007.

FIRST USE 12-0-1967; IN COMMERCE 12-0-1967.

TONI HICKEY, EXAMINING ATTORNEY

**Int. Cls.: 25 and 41**

**Prior U.S. Cls.: 22, 39, 100, 101 and 107**

**Reg. No. 3,556,027**

**United States Patent and Trademark Office**

**Registered Jan. 6, 2009**

**TRADEMARK  
SERVICE MARK  
PRINCIPAL REGISTER**



SEAN TYLER KEYS (UNITED STATES INDIVIDUAL)  
SUITE 300  
17933 NW EVERGREEN PARKWAY  
BEAVERTON, OR 97006

FOR: READY-MADE CLOTHING FOR MEN, WOMEN, AND CHILDREN, NAMELY, T-SHIRTS, PULLOVERS, POLO SHIRTS, SWEATERS AND VESTS, JACKETS, SHIRTS, AND HEADWEAR, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 1-1-2007; IN COMMERCE 1-1-2007.

FOR: ENTERTAINMENT SERVICES, NAMELY, ORGANIZING AND CONDUCTING OF POLO TOURNAMENTS, SPORTING EVENTS, AND SPECIAL EVENTS IN THE NATURE OF SOCIAL EVENTS AND PARTIES; POLO CLUB SERVICES; EQUESTRIAN INSTRUCTION SERVICES; POLO

INSTRUCTION SERVICES, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 1-1-2007; IN COMMERCE 1-1-2007.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "POLO", APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF THE LETTERS "H" AND "K" IN A STYLIZED DESIGN WITH THE IMAGE OF A HORSE AND POLO PLAYER IN THE SPACE WHERE THE LETTERS MEET WITH THE WORDS "HIDDEN CREEK" ABOVE THE DESIGN AND THE WORD "POLO" BELOW THE DESIGN.

SER. NO. 77-297,017, FILED 10-5-2007.

TINA BROWN, EXAMINING ATTORNEY

**Int. Cl.: 25**

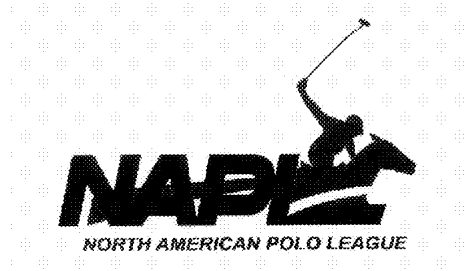
**Prior U.S. Cls.: 22 and 39**

**Reg. No. 3,481,504**

**United States Patent and Trademark Office**

**Registered Aug. 5, 2008**

**TRADEMARK  
PRINCIPAL REGISTER**



NORTH AMERICAN POLO LEAGUE, LLC (DE-  
LAWARE LTD LIAB CO)  
109 NORTH POST OAK LANE  
HOUSTON, TX 77024

NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE "NORTH AMERICAN", APART  
FROM THE MARK AS SHOWN.

FOR: BELTS; GOLF SHIRTS; PAJAMAS; SHIRTS;  
T-SHIRTS; JACKETS; PANTS; FOOTWEAR;  
SHORTS; SOCKS; SWEAT PANTS; SWEAT SHIRTS;  
SWEAT SHORTS; SWEATERS; TIES; SCARVES;  
VESTS; SUSPENDERS; GLOVES; HEADGEAR,  
NAMELY, CAPS; HATS; HEADBANDS, IN CLASS  
25 (U.S. CLS. 22 AND 39).

THE MARK CONSISTS OF THE LETTERS  
"NAPL" AND THE WORDS "NORTH AMERICAN  
POLO LEAGUE" WITH DESIGN CONSISTING OF A  
POLO PLAYER ON HORSE.

SN 77-136,991, FILED 3-21-2007.

FIRST USE 3-9-2007; IN COMMERCE 3-9-2007.

ANGELA M. MICHELI, EXAMINING ATTORNEY



Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 2,525,322

Registered Jan. 1, 2002

TRADEMARK  
PRINCIPAL REGISTER



ROYAL COUNTY OF BERKSHIRE POLO CLUB  
(UNITED KINGDOM CORPORATION)  
26 GROSVENOR STREET  
LONDON W1X 0RD, ENGLAND

FOR: CLOTHING, FOOTWEAR AND HEAD-  
GEAR, NAMELY, T-SHIRT, SLEEP WEAR, SHIRTS,  
HATS, SHORTS, SWEAT BANDS, SWEAT PANTS,  
SWEAT SHIRTS, SWEAT SHORTS, SWEAT SUITS,  
SOCKS AND SWEATERS, BELTS, IN CLASS 25 (U.S.  
CLS. 22 AND 39).

FIRST USE 4-12-2000; IN COMMERCE 4-12-2000.

NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE "POLO CLUB", APART FROM  
THE MARK AS SHOWN.

SN 74-702,872, FILED 7-18-1995.

SUE LAWRENCE, EXAMINING ATTORNEY

Int. Cl.: 25

Prior U.S. Cl.: 39

Reg. No. 1,743,296

United States Patent and Trademark Office Registered Dec. 29, 1992

TRADEMARK  
PRINCIPAL REGISTER



SANTA BARBARA POLO & RACQUET CLUB  
(CALIFORNIA NON-PROFIT CORPORATION)  
3375 FOOTHILL RD.  
CARPINTERIA, CA 93103

FOR: CLOTHING; NAMELY, SHIRTS,  
SWEATSHIRTS, HATS, NECKTIES, AND  
SHOES, IN CLASS 25 (U.S. CL. 39).

FIRST USE 0-0-1976; IN COMMERCE  
0-0-1984.

NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE "SANTA BARBARA", APART  
FROM THE MARK AS SHOWN.

SER. NO. 74-273,515, FILED 5-8-1992.

ODETTE BONNET, EXAMINING ATTORNEY

Int. Cl.: 25

Prior U.S. Cl.: 39

**United States Patent and Trademark Office**

**Reg. No. 1,363,459**

**Registered Oct. 1, 1985**

**TRADEMARK  
PRINCIPAL REGISTER**

**POLO**

POLO FASHIONS INC. (NEW YORK CORPORATION)  
40 W. 55TH ST.  
NEW YORK, NY 10001

FOR: CLOTHING—NAMELY, SUITS, SLACKS, TROUSERS, SHORTS, WIND RESISTANT JACKETS, JACKETS, BLAZERS, DRESS SHIRTS, SWEATSHIRTS, SWEATERS, HATS, BELTS, SOCKS, BLOUSES, SKIRTS, COATS, AND DRESSES, IN CLASS 25 (U.S. CL. 39).

FIRST USE 5-0-1967; IN COMMERCE 5-0-1967.

OWNER OF U.S. REG. NOS. 276,855, 990,395 AND OTHERS.

SEC. 2(F).

SER. NO. 333,206, FILED 10-19-1981.

DEBORAH S. COHN, EXAMINING ATTORNEY

Int. Cl.: 25

Prior U.S. Cl.: 39

**United States Patent and Trademark Office**

**Reg. No. 1,468,420**

Registered Dec. 8, 1987

**TRADEMARK  
PRINCIPAL REGISTER**

**POLO**

POLO FASHIONS, INC. (NEW YORK CORPORATION)  
40 WEST 55TH STREET  
NEW YORK, NY 10019

OWNER OF U.S. REG. NO. 978,166 AND  
OTHERS.

SER. NO. 655,027, FILED 4-13-1987.

FOR: MEN'S, WOMEN'S, CHILDREN'S AND  
ATHLETIC SHOES, IN CLASS 25 (U.S. CL. 39).  
FIRST USE 0-0-1971; IN COMMERCE  
0-0-1971.

DAVID C. REIHNER, EXAMINING ATTOR-  
NEY

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

**United States Patent and Trademark Office** **Reg. No. 1,951,601**  
Registered Jan. 23, 1996

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**TRADEMARK  
PRINCIPAL REGISTER**

**POLO SPORT**

POLO RALPH LAUREN, L.P. (DELAWARE  
LIMITED PARTNERSHIP)  
650 MADISON AVENUE  
NEW YORK, NY 10022

FOR: WEARING APPAREL, NAMELY  
PANTS, SHORTS, JACKETS, T-SHIRTS, SPORT  
SHIRTS, KNIT SHIRTS, SWEATSHIRTS, HATS,  
SOCKS AND FOOTWEAR, IN CLASS 25 (U.S.  
CLS. 22 AND 39).

FIRST USE 9-1-1993; IN COMMERCE  
9-1-1993.

NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE "SPORT", APART FROM THE  
MARK AS SHOWN.

SER. NO. 74-660,375, FILED 4-12-1995.

CATHERINE KAISER KREBS, EXAMINING  
ATTORNEY

**Int. Cl.: 25**

**Prior U.S. Cls.: 22 and 39**

**United States Patent and Trademark Office**

**Reg. No. 3,292,597**

**Registered Sep. 18, 2007**

**TRADEMARK  
PRINCIPAL REGISTER**

**JON POLO**

IDLEWILD STABLES, INC. (FLORIDA CORPORATION)  
13380 POLO ROAD WEST  
SUITE 102A HURLINGHAM  
WEST PALM BEACH, FL 33414

FOR: CLOTHING FOR WEAR IN EQUESTRIAN ACTIVITIES, NAMELY, PANTS, SHORTS, SHIRTS, UNDERWEAR, SOCKS, BELTS, SUSPENDERS, GLOVES, HATS, AND CAPS; AND CLOTHING FOR WEAR IN SPORTS ACTIVITIES, NAMELY, PANTS, SHORTS, SHIRTS, UNDERWEAR, SOCKS, BELTS, SUSPENDERS, GLOVES, HATS AND CAPS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 3-0-2005; IN COMMERCE 3-0-2005.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "POLO", APART FROM THE MARK AS SHOWN.

THE NAME JON POLO DOES NOT IDENTIFY A LIVING INDIVIDUAL.

SER. NO. 76-657,898, FILED 4-5-2006.

STANLEY I. OSBORNE, EXAMINING ATTORNEY

**Int. Cls.: 25 and 41**

**Prior U.S. Cls.: 22, 39, 100, 101 and 107**

**Reg. No. 3,526,576**

**United States Patent and Trademark Office**

**Registered Nov. 4, 2008**

**TRADEMARK  
SERVICE MARK  
PRINCIPAL REGISTER**

## Hidden Creek Polo

SEAN TYLER KEYS (UNITED STATES INDIVIDUAL)  
SUITE 300  
17933 NW EVERGREEN PARKWAY  
BEAVERTON, OR 97006

FOR: READY-MADE CLOTHING FOR MEN, WOMEN, AND CHILDREN, NAMELY, T-SHIRTS, PULLOVERS, POLO SHIRTS, SWEATERS AND VESTS, JACKETS, SHIRTS, AND HEADWEAR, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 1-1-2007; IN COMMERCE 1-1-2007.

FOR: ENTERTAINMENT SERVICES, NAMELY, ORGANIZING AND CONDUCTING OF POLO TOURNAMENTS, SPORTING EVENTS, AND SPECIAL EVENTS IN THE NATURE OF SOCIAL EVENTS AND PARTIES; POLO CLUB SERVICES;

EQUESTRIAN INSTRUCTION SERVICES; POLO INSTRUCTION SERVICES, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 1-1-2007; IN COMMERCE 1-1-2007.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "POLO", APART FROM THE MARK AS SHOWN.

SER. NO. 77-297,044, FILED 10-5-2007.

TINA BROWN, EXAMINING ATTORNEY

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy of the **Applicant's Answer to Notice of Opposition** has been furnished by U.S. Mail and E-mail delivery to **Robert L. Epstein, Epstein Drangel LLP**, 60 East 42<sup>nd</sup> Street, Suite 2410, New York, NY 10165 ([mail@ipcounselors.com](mailto:mail@ipcounselors.com)) on this 27<sup>th</sup> day of September, 2012.

Respectfully submitted,

/Daniel J. Barsky/  
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Fort Lauderdale, FL 33301  
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